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2 STATE BAR NUMBER 059774  
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3 SAN MARCOS, CALIFORNIA 92078-2639  
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4 MICHAEL T. McCOLLOCH, ESQ.  
5 STATE BAR NUMBER 066766  
2244 CARMEL VALLEY ROAD, SUITE B  
6 DEL MAR, CALIFORNIA 92014  
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8 ATTORNEYS FOR PLAINTIFF,  
KARL JONES

10 UNITED STATES DISTRICT COURT  
11 FOR THE SOUTHERN DISTRICT OF CALIFORNIA

12 KARL JONES, An Individual, ) CIVIL ACTION FILE  
13 Plaintiff, ) NO. '11CV1450 W JMA  
14 ) COMPLAINT AND DEMAND  
15 vs. ) FOR JURY TRIAL  
16 ) (CIVIL RIGHTS)  
17 THE COUNTY OF SAN DIEGO, CALIFORNIA)  
18 SAN DIEGO COUNTY SHERIFF'S DEPART- )  
MENT; COUNTY SHERIFF DOE 1; COUNTY )  
SHERIFF DOE 2; and DOES 1 Through )  
100, Inclusive, )  
19 Defendants. )  
20 \_\_\_\_\_)

21 The Plaintiff for causes of action against the Defendants  
22 and each and all of them allege on information and belief as  
23 follows:

24 FIRST COUNT  
25 (Unconstitutional Invasion Of Rights,  
26 Privileges And Immunities Guaranteed  
By The United States Constitution.)

1       1. At all times herein mentioned, Plaintiff was a resident  
2 of El Cajon, California, in the County of San Diego, and in the State  
3 of California, U.S.A. Plaintiff also was a full time stay at home  
4 father of two young children, Kaelyn (12/12/06 age 2) and Kai (8/11/08  
5 age 1). Plaintiff who had recently graduated from college with a  
6 Certified Nursing Assistant degree and license and who was at all  
7 times herein mentioned supporting his family by his care giving for  
8 his children, suffered the abridgment of his Constitutionally  
9 protected rights and civilly protected rights against wrongful seizure  
10 and detention and protection against racial discrimination when those  
11 rights were abridged by the Defendants acting abusively under color  
12 of state law and authority without due process of law as is  
13 hereinafter more fully set forth. Plaintiff's children were also  
14 wrongfully kidnaped through the conspiracy of the Defendants also  
15 under color of law further depriving Plaintiff without due process of  
16 the law of his protected right to the free enjoyment and unabridged  
17 access and immunity from abridgement to his free enjoyment of his  
18 life, liberty and pursuit of happiness concerning the safety and  
19 sanctity of his family and property all in a discriminatory manner  
20 based in significant part upon his African American ancestry and  
21 descent as is hereinafter more fully set forth.

22       2. Defendants are THE COUNTY OF SAN DIEGO, THE SAN DIEGO COUNTY  
23 SHERIFF'S DEPARTMENT and their officers and agents, specifically  
24 including but not limited to COUNTY SHERIFF DOE 1 AND COUNTY SHERIFF  
25 DOE 2 and DOES 3 Through 5 (hereafter collectively referred to as  
26 "SHERIFF DEFENDANTS") and DOES 6 through 100, whose names and identi  
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1 ties are presently unknown to the Plaintiff, who is presently unaware  
2 of their true names, capacities and positions as well as of the true  
3 names and positions of the various County Officers, agents and  
4 employees who established and approved the policies and practices  
5 followed by the SHERIFF DEFENDANTS as is hereinafter more fully set  
6 forth. Plaintiff accordingly begs leave of this Court to amend this  
7 Complaint to set forth the true names, capacities and offices of the  
8 various County officers, employees and agents when their identities  
9 have become known to Plaintiff through discovery and otherwise herein.

10       3. All Defendants including all Doe Defendants 1 through 25  
11 herein mentioned were acting in and for THE COUNTY OF SAN DIEGO, under  
12 color of their authority as subdivisions of the State of California  
13 and as County Peace Officers and under color of the statutes,  
14 regulations, customs, and usages of the State of California, the  
15 County of San Diego, and the officers of the County Sheriff of San  
16 Diego County, respectively. Plaintiff is further informed and  
17 believes and thereon alleges that the hereinabove named Defendants  
18 were, in doing all of the things hereinafter set forth by the entirety  
19 of this Complaint, acting pursuant to the approved and official law  
20 enforcement policies of the Defendant, COUNTY OF SAN DIEGO MUNICIPAL  
21 GOVERNMENT as created by various County Officials acting under color  
22 of their authority as such County Officers.

23       4. This action arises under the Civil Rights Act of 1871 (42 USC  
24 §1983) as well as under the 1968 Civil Rights Act (42 USC §3604) as  
25 hereinafter more fully appears. This Court has jurisdiction under 28  
26 USC §1333 as well as under 42 USC §3612.

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1       5. Plaintiff is not informed of the true names and capacities of  
2 the Defendants sued herein as Does 1 through 100, inclusive, and  
3 therefore sues these Defendants by such fictitious names. Plaintiff  
4 will amend this Complaint to allege their true names and capacities  
5 when the same have been ascertained. Plaintiff is informed and  
6 believes and thereon alleges that each of the Defendants was the  
7 agent, servant or employee of each of the other Defendants in doing  
8 the acts herein alleged and that each of the Defendants was the agent,  
9 servant or employee of each of the other Defendants in doing the acts  
10 herein alleged. Said Doe Defendants together with Defendants COUNTY  
11 OF SAN DIEGO and THE COUNTY OF SAN DIEGO SHERIFF'S DEPARTMENT are  
12 hereinafter collectively sometimes referred to as "DEFENDANTS".

13       6. On September 1, 2009, at El Cajon, California, while acting  
14 in a lawful and peaceable manner and while in his home in El Cajon,  
15 California, Plaintiff, an adult male of African American descent, was  
16 intentionally and wrongfully, by and through the operation of  
17 coordination and conspiracy among the Defendants, unlawfully and  
18 unconstitutionally seized and detained by Doe Defendants 1 through 5  
19 acting I concert with THE COUNTY OF SAN DIEGO Defendants, and the  
20 COUNTY OF SAN DIEGO'S SHERIFF'S DEPARTMENT and Does 26 through 50,  
21 forced to leave his home without cause and sit on a curb or in the  
22 back seat of a Sheriff's squad car for hours in his underwear, not  
23 allowed to stand while seized and forced to sit on a curb, while said  
24 Defendants acting in coordination and conspiracy with Does 1 through  
25 50, removed his personal property from his home and kidnap his two  
26 young children from him and out of the State of California, all  
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1 without court order, just cause or reason other than to deprive him  
2 of his right to the free enjoyment and access to his life, liberty and  
3 pursuit of happiness all in a discriminatory manner based in  
4 significant part on the fact of his African American ancestry. Officer  
5 Doe 1 specifically expressed the desire to deprive Plaintiff of the  
6 knowledge that his children were being removed from him and from the  
7 State of California, namely being kidnaped from him with the aid and  
8 support of the SHERIFF DEFENDANTS and Does 6 through 25, and each of  
9 them, all without due process of the law and in flagrant violation of  
10 Plaintiff's Constitutionally protected rights and protected civil  
11 rights under the law of the land of the United States Of America.

12       7. Defendants' conduct in doing each of the things alleged by the  
13 entirety of paragraph 6, supra, was intentional, illegal, wrongful,  
14 without probable cause or due process of law and violated Plaintiff's  
15 human and civil rights including his guaranteed Constitutional rights  
16 to free speech, free association and assembly, right to be free from  
17 unreasonable seizure of his person without probable cause or due  
18 process of law, right to be free of deprivation of personal liberty  
19 and property without probable cause or due process of law, as well as  
20 abridgment of his privileges and immunities as a citizen of the United  
21 States of America as guaranteed to Plaintiff by the Fourteenth  
22 Amendment of the United States Constitution as that Amendment  
23 incorporates the Bill of Rights to the Unites States Constitution.

24       8. Defendant's hereinbefore said intentional and wrongful conduct  
25 also constituted an offensive and injurious shock and insult to  
26 Plaintiff in a cruel and unusual manner causing great shock and injury

1 to Plaintiff and to his physical and emotional being in a cruel and  
2 unusual manner causing personal injury to Plaintiff both somatically  
3 and emotionally.

4       9. As a direct and proximate result of the said Defendants'  
5 illegal, unconstitutional and wrongful conduct, Plaintiff suffered  
6 irreparable and permanent injury to his person as well as violated his  
7 protected Constitutionally protected rights and legislatively  
8 protected Civil rights in that sum as shall be proved at trial. As  
9 a further direct and proximate result of said Defendants' illegal,  
10 unconstitutional and wrongful conduct, Plaintiff was required to and  
11 did incur attorney's fees and costs all to his damage to locate and  
12 recover custody and visitation rights and find reunification with his  
13 children in the sum of in excess of \$15,000.00 to successfully pursue  
14 the location and recovery of his children and property.

15       10. Plaintiff believes and thereon alleges that in doing each  
16 of the acts hereinbefore more fully alleged by paragraphs 6 through  
17 9 supra, that Defendants, and each of them, are liable to Plaintiff  
18 for punitive damages in the sum of \$10,000,000.00 or such other and  
19 further sums as shall be proved at trial.

SECOND COUNT  
(Violation of Civil Rights)

21       11. Plaintiff repeats, realleges and reavers each and all of the  
22 allegations by Paragraphs 1 through 10, by the FIRST COUNT contained  
23 as though set forth in full hereat.

21       12. In doing each of the acts more fully set forth by the FIRST  
22 COUNT, Plaintiff believes and thereon alleges that each of the Officer  
23 Defendants, while acting under color of the State Law as well as with

1 the approval and approbation of the County of San Diego and the County  
2 of San Diego Sheriff's Department and its designated officers, agents  
3 and employees as well as while acting within the established (written  
4 and unwritten) policies of the Defendants including the County of San  
5 Diego including its Sheriff's Department wrongfully detained and  
6 seized Plaintiff in significant part for the reason that he was of  
7 African American descent and ancestry and is hereinbefore more fully  
8 set forth.

9       13. The acts of the Defendants, and each of them, were  
10 discriminatory to Plaintiff and such discrimination was because of  
11 Plaintiff's African American ancestry and descent. Furthermore,  
12 Plaintiff is informed and believes and thereon alleges that said  
13 Defendants caused Plaintiff's seizure and detention for the additional  
14 reason that Plaintiff expressed concern and distress over the manner  
15 in which he was treated, seized, deprived of his liberty and pursuit  
16 of happiness and freedom without apparent justification, just or  
17 probable cause and without due process of law, all in violation of his  
18 protected civil rights as aforesaid.

19       14. As a direct and proximate result of the said Defendants'  
20 seizure and detention, while said Defendants aided and abetted the  
21 kidnaping of Plaintiff's children and the conversion and theft of his  
22 property, the Defendants are liable for damages I the manner and sum  
23 as shall be proved at trial and as more fully set forth by paragraphs  
24 9 and 10 of the FIRST COUNT which are incorporated herein as though  
25 set forth in full hereat.

26       ////

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THIRD COUNT  
(Wrongful Abridgment Of Civil  
Rights by Abuse Of Process)

3       15. Plaintiff repeats, realleges and reavers each and all of the  
4 allegations by Paragraphs 1 through 14, by the FIRST and SECOND COUNTS  
5 contained as though set forth in full hereat.

6       16. Plaintiff believes and thereon alleges that the Defendants,  
7 and each of them, wrongly seized and detained Plaintiff under the  
8 alleged policy and procedure to 'preserve the peace' when in truth and  
9 in fact said Defendants acted to abuse the process of said Defendants  
10 procedures and policies as part of an overall bias and prejudice  
11 against citizens of African American descent and ancestry in the  
12 communities that ring the south and west quadrants of the County of  
13 San Diego who are demographically of a greater population percentage  
14 and concentration of African American ancestry and descent causing the  
15 Defendants to adopt a prejudicial and abusive presence based on the  
16 biased and abusive rationale that citizens displaying African American  
17 ancestry and descent are innately more violent and uncivilized members  
18 of American society and San Diego County residents and citizens.

19       17. In doing each and all of the acts hereinbefore set forth by  
20 Paragraphs 6 through 9 supra, Plaintiff is informed and believes and  
21 thereon alleges that the Defendants, and each of them, are guilty of  
22 a wrongful, intentional and abusively malicious invasion of  
23 Plaintiff's constitutionally protected rights as well as of his civil  
24 rights within the meaning of Title 42 USC Section 1983.

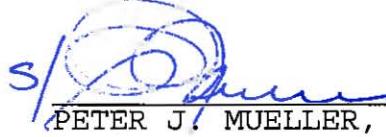
25        18. As a direct and proximate result of said Defendants' seizure,  
26 detention and abridgment of Plaintiff's person, property and his right

1 to protect and enjoy his right to family and property, as is  
2 hereinbefore more fully set forth, the Defendants are liable for  
3 damages in the manner and sum as is hereinbefore more fully set forth  
4 by the entirety of Paragraphs 9 and 10 of the FIRST COUNT which are  
5 incorporated herein as though set forth in full at this point.

6 WHEREFORE, Plaintiff prays for damages against Defendants, and  
7 each and all of them under all causes of action as follows:

- 8 1. For general damages in an amount subject to proof;
- 9 2. For special damages in an amount according to proof;
- 10 3. For exemplary damages in an amount according to proof;
- 11 4. For prejudgment interest pursuant to Civil Code Section 3291  
12 (West, 2011);
- 13 5. For costs of suit herein incurred;
- 14 6. For such other and further relief as the Court may deem just  
15 and proper.

16 DATED: May 16, 2011

  
PETER J. MUELLER, Attorney for  
Plaintiff

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SJS 44 (Rev. 12/07)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

Jones, Karl

(b) County of Residence of First Listed Plaintiff Harris County, Texas  
(EXCEPT IN U.S. PLAINTIFF CASES)(c) Attorney's (Firm Name, Address, and Telephone Number)  
Law Office Of Peter J. Mueller  
950 Boardwalk, Suite 305  
San Marcos, CA 92078-2639

## DEFENDANTS

The County Of San Diego, California San Diego County Sheriff's Department, County Sheriff Doe 1, County Sheriff Doe 2 and Does 1 Through 100, Inclusive

County of Residence of First Listed Defendant San Diego County, CA  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

**'11CV1450 W JMA**

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State	PTF	DEF	Incorporated or Principal Place of Business In This State	PTF	DEF
<input type="checkbox"/> 1	<input checked="" type="checkbox"/>	1	<input type="checkbox"/> Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
<input type="checkbox"/> 2	<input checked="" type="checkbox"/>	2	<input type="checkbox"/> Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>PROPERTY RIGHTS</b>	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 450 Commerce	
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 460 Deportation	
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 480 Consumer Credit	
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 490 Cable/Sat TV	
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Injury	<input type="checkbox"/> 510 Selective Service	
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 400 Securities/Commodities Exchange	<input type="checkbox"/> 850 Securities/Commodities Exchange	
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 890 Other Statutory Actions	
<b>REAL PROPERTY</b>	<b>CIVIL RIGHTS</b>	<b>PRISONER PETITIONS</b>	<b>SOCIAL SECURITY</b>	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<b>Habeas Corpus:</b>	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 863 DIWC/DIW (405(g))	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<b>FEDERAL TAX SUITS</b>	<input type="checkbox"/> 950 Constitutionality of State Statutes
	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 790 Other Labor Litigation	
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	
			<b>IMMIGRATION</b>	
			<input type="checkbox"/> 462 Naturalization Application	
			<input type="checkbox"/> 463 Habeas Corpus - Alien Detainee	
			<input type="checkbox"/> 465 Other Immigration Actions	

## V. ORIGIN

(Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify) _____	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment
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## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC §1983, 42 USC §3604

Brief description of cause:

Defendants violated Plaintiff's civil rights

## VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:  
**JURY DEMAND:**  Yes  No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

06/06/2011

SIGNATURE OF ATTORNEY OF RECORD

*S/ESQ*

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFFP

JUDGE

MAG. JUDGE